

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

JULIAN UNION SCHOOL DISTRICT.

OAH CASE NO. 2014040274

ORDER GRANTING IN PART AND
DENYING IN PART JULIAN UNION
SCHOOL DISTRICT'S REQUEST FOR
RECONSIDERATION

On April 24, 2014, the undersigned Administrative Law Judge (ALJ) issued an order finding that Student's complaint was sufficient (Order). On April 28, 2014, the Julian Union School District (Julian) filed a request for reconsideration.¹ On April 29, 2014, Parent on behalf of Student (Student) filed a response to the request.

APPLICABLE LAW

The Office of Administrative Hearings (OAH) will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

DISCUSSION AND ORDER

Julian alleges new facts in support of its request reconsideration as follows: Although OAH received Student's complaint on April 2, 2014, Julian complains that it did not receive Student's complaint until April 8, 2014. Julian points out that the basis of this discrepancy was due to Student fax-serving her complaint to OAH, and serving its complaint upon Julian via mail. In Student's response, she confirms the foregoing different methods of service. Therefore, Julian correctly asserts that its Notice of Insufficiency, which was dated, filed with OAH, and served on April 22, 2014, was filed within the statutorily required timeline.

¹ Julian's request for reconsideration was entitled Notice of Timely Filing Notice of Insufficiency.

Julian does not allege new facts or circumstances in its request for reconsideration, or seek reconsideration, regarding the ALJ's determination that Student's complaint was sufficiently plead, or for any other parts of the Order.

Accordingly, Julian's request for reconsideration is granted in part and denied in part. Each directive contained in the Order shall remain unchanged.

IT IS SO ORDERED.

DATE: April 29, 2014

PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings